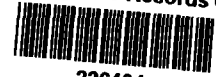




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



226494

07 SEP 2000

REPLY TO THE ATTENTION OF

C-14J

VIA FACSIMILE AND U.S. MAIL

Robert H. Koester  
General Counsel  
HBE Corporation  
11330 Olive Boulevard  
St. Louis, Missouri 63141

Re: Walkover Survey of Proposed Building Site on 3XX East Illinois Street

Dear Mr. Koester:

Thank you for faxing your changes to the Consent for Access this morning. I would like to address several of your changes in this letter. During our phone conversation earlier this week, I explained that U.S. EPA will schedule the walkover at a mutually convenient time for HBE Corporation and its representatives, preferably during regular business hours and not over a weekend. Also, as stated in the letter dated August 9, 2000, from Verneta Simon to Fred Kummer, this consent is for a walkover radiation survey only; if access is necessary for other purposes, U.S. EPA will seek HBE's consent for that expanded access. In the consent form I am enclosing with this letter, I modified the access consent to provide not for continuing access but to limit the consent to sixty days following execution. I also explained during our phone conversation that sampling, if any, during the survey, would be performed with hand tools and would not involve drilling or cutting through asphalt or concrete. This walkover is simply a screening survey not a critical examination. If HBE representatives accompany U.S. EPA, they will have immediate access to the walkover equipment readings and U.S. EPA will provide the written results to HBE as soon as they are available.

As you know, Section 104(e) the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601, authorizes U.S. EPA access to property where there is a reasonable basis to believe that there may be a release or threat of release of a hazardous substance. U.S. EPA employees may not condition that grant of statutory authority. For that reason, U.S. EPA can not accept the conditions placed in the consent form received this morning. Nonetheless, I believe this letter makes it quite clear that the Agency is most willing to

Robert H. Koester  
September 7, 2000  
Page 2 of 2 pages

work cooperatively with HBE to conduct the walkover survey at a mutually agreeable time and to share the radiation surveillance results immediately with HBE. If access is needed to conduct additional sampling, U.S. EPA will seek a separate consent for that work. I appreciate your cooperation and assistance in this matter. Please call me after you have read this letter if we need to discuss this matter further.

Sincerely,



Mary L. Fulghum  
Associate Regional Counsel

Enclosure

cc: Verneta Simon, OSC  
Fred Micke, OSC  
Larry Jensen, HP

**CONSENT FOR ACCESS TO PROPERTY**

Name: Fred S. Kummer  
Title: President, HBE Corporation  
Address: 11330 Olive Blvd.  
St. Louis, MO 63141

Telephone: (314) 567-9000

Address of Property: 3XX East Illinois Street  
Chicago, Illinois

I consent to officers, employees, contractors, and authorized representatives of the United States Environmental Protection Agency (U.S. EPA) entering this property to conduct a walkover radiation survey and sampling on the property. This consent is effective for sixty days following the date of execution.

I realize that these actions taken by U.S. EPA are undertaken pursuant to its response and enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675 (1997).

This written permission is given by me voluntarily, on behalf of myself and all other co-owners of this property, with knowledge of my right to refuse and without threats or promises of any kind.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

**CONSENT FOR ACCESS TO PROPERTY**

Name: Fred S. Kummer  
Title: President, HBE Corporation  
Address: 11330 Olive Blvd.  
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This written permission is given by me voluntarily, on behalf of myself and all other co-owners of this property, with knowledge of my right to refuse and without threats or promises of any kind.

9/8/00  
Date

  
Signature